UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/500,683	07/02/2004	Markus Gerardus Van Doorn	2002P01062WOUS	6582

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PHILIPS INTELLECTUAL PROPERTY & STANDARDS
P.O. BOX 3001
BRIARCLIFF MANOR, NY 10510

EXAMINER
ANDRAMUNO, FRANKLIN S

ART UNIT	PAPER NUMBER
2424	

NOTIFICATION DATE	DELIVERY MODE
11/02/2011	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

vera.kublanov@philips.com
debbie.henn@philips.com
marianne.fox@philips.com

	Application No.	Applicant(s)
Office Action Summary	10/500,683	VAN DOORN, MARKUS GERARDUS
	Examiner	**Art Unit**	
	FRANKLIN ANDRAMUNO	2424	

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on _06/29/2011_.

2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.

3) ☐ An election was made by the applicant in response to a restriction requirement set forth during the interview on _____; the restriction requirement and election have been incorporated into this action.

4) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

5) ☒ Claim(s) _1-20_ is/are pending in the application.

    5a) Of the above claim(s) _____ is/are withdrawn from consideration.

6) ☐ Claim(s) _____ is/are allowed.

7) ☒ Claim(s) _1-20_ is/are rejected.

8) ☐ Claim(s) _____ is/are objected to.

9) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

10) ☐ The specification is objected to by the Examiner.

11) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

12) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a) ☐ All b) ☐ Some * c) ☐ None of:

      1. ☐ Certified copies of the priority documents have been received.

      2. ☐ Certified copies of the priority documents have been received in Application No. _____.

      3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail. Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

Applicant's arguments filed 06/29/2011 have been fully considered but they are
not persuasive. Applicant argues on page 8 third paragraph, "Ficco fails to teach the
limitation of 'retrieve first documents from a first set of application devices, said first
documents reflecting the status of the first set of application devices.'" The specs of the
application teach on **(page 1 lines 22-29)** the user interacts with only one document at
a time. The information is processed at the server side and another HTML document
that contains the results is sent back to the web browser on the client side. Ficco
teaches on **(column 8 lines 5-14)** browsers are often controlled and commanded by the
standard HTML language, which is used to position and format the GUI. In addition,
(column 13 lines 42-51) module (612) receives commands from and/or provides status
information to the STB, which is also plugged into the house's wiring. The host
processor in particular is configured to interface with the house wiring via interface
(604). As a result, Ficco teaches a system which retrieves first documents from a set of
application devices, reflecting the status of the devices.

In addition, applicant argues on page 8 fourth paragraph, "nothing in Ficco
teaches a method of controlling a plurality of application devices the method comprising
the steps of: generating second documents by the server, each comprising at least one
instruction, on the basis of at least a part of the retrieved identification of the user and at
least a part of the first documents." Ficco teaches on **(column 6 lines 20-35)** each of

the scripts is initiated based on a corresponding triggering mechanism that can be set

by the user, via GUI to the STB. The devices that can be controlled are shown in **(figure**

1). Furthermore, these triggers maybe used based on time, content, selected television

programming, alarm or event or set at random based on user preference. Ficco teaches

generating multiple triggers or secondary documents by the server (network). Ficco

further teaches on **(column 6 lines 34-36)** the STB could be configured to dial 911 if

the alarm condition is determined to be an emergency condition. As a result, Ficco

teaches at least a part of the retrieved identification of the user and at least a part of the

first documents. The system taught by Ficco discloses how the STB could be configured

to assimilate the importance of calling 911 if an alarm condition is determined to be an

emergency. Therefore, this action is the result of a trigger function, which is part of the

first document (or first set of programs).

Furthermore, applicant argues on page 9 first paragraph, "there is no recognition

in Ficco of using at least a part of the retrieved identification of the user and at least a

part of the first documents." Examiner respectfully disagrees. Ficco teaches on **(column**

17 lines 45-53) over time the user may build up the script database list by creating

his/her own script. Furthermore, Ficco teaches on **(column 19 lines 9-20)** the Lovey-

Dovey script contains the following program content routines: (a) warm the oven; (b)

select a designated play list on the DC player (c) dim lights in the living room (d) start

propane fireplace in dining room (e) disable ringer(s) on phones and/or send all phone

messages to voice-mail. Therefore, Ficco teaches at least a part of the retrieved

identification of the user and at least a part of the first documents such as warm the oven, start the fireplace, shut phone ringers off.

Applicant also argues on page 9 fourth paragraph, "nothing in Ficco teaches or implies sending at least one of the second documents to each device of a second set of the application devices by the server." Ficco teaches on **(column 19 lines 28-41)** at 5:30pm the first trigger is activated sending suitable command instructions to the various devices. In addition, the second trigger at midnight will instruct the host processor to send suitable command instructions to secure or turn off the various devices. As a result, there are sets of first and second documents/controlling the application devices as taught by Ficco.

Applicant further argues on page 10 third paragraph, "nothing in Ficco teaches or implies wherein the server is further enabled to retrieve user profile information based on the user identification and context profile information relating to surroundings of the user." Ficco teaches on **(column 17 lines 45-46)** over time the user may build up the script database list by creating his/her own script. As a result, Ficco teaches/implies enabling user profile information when the information is stored and later retrieved. In addition, this profile can be modified/adapted depending on the surrounding of the environment. Ficco teaches on **(column 20 lines 59-67)** this embodiment envisions running a script remotely from the internet using any external device in communication with the STB such as PC, laptop computer, hand-held computer, etc One possible example would be during an emergency business trip from work, where the user does not have time to go home and run the script that turns off all his appliances, reduces

room temperature, turns on the security system, etc. But this can be achieved remotely

and adapted to the surroundings of the situation and user profile.

Lastly, applicant argues on page 11 first paragraph, "nothing in Ficco teaches or

implies to retrieve the identification of the user by: retrieving user profile information

based on the user identification; and retrieving context profile information relating to

surroundings of the user." Examiner again respectfully disagrees. See the previous

paragraph for clarification.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of
matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the
conditions and requirements of this title.

Claim 8 is rejected under 35 U.S.C. 101 because the specification teaches on

(page 3 paragraph (0012) lines 11-14) the computer readable media is broadly defined

as a signal.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly
claiming the subject matter which the applicant regards as his invention.

Claim 7 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite since the claim involves a system without structure and fails to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 8 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite since the claim involves a computer program product with means (structure) to store and fails to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

1.   Claims 1-20 are rejected under 35 U.S.C. 103(a) as being unpatentable by Ficco et al (US Patent 6,868,292 B2) in view of Asghar et al (US 6,218,931 B1). Hereinafter referred as Ficco and Asghar.

Regarding claims 1, 5, 12 and 20, Ficco discloses a method, system and computer program of controlling a plurality of application devices comprising **(Figure 1)** the steps of: a server including code **(column 15 lines 8-12)** for retrieving first

documents **(HTML File (801) in figure 9)** from a first set of the plurality of application

devices by a server **(Host Processor (815) in figure 9)**; retrieving identification of a

user by the server **(column 16 lines 4-6)**; characterized in that the method further

comprises the steps of: generating second documents by the server, each comprising at

least one instruction, on the basis of at least a part of the retrieved identification of the

user and at least a part of the first documents **(column 16 lines1-4)**; sending at least

one of the second documents to each device of a second set of the application devices

by the server **(column 16 lines 14-26)**; and performing, for a particular application

device of the second set, one instruction from at least one of the second documents

received in the particular application device **(HP 310 issues commands (S15) in figure

13).**

      However, Ficco is silent in teaching wherein said first document reflecting the

status of the first set of application devices. Asghar teaches on **(column 3 lines 21-27)**

a control unit configured to receive status information from the appliances, such as the

current power status of lamp. The computer gathers water and electrical power usage

data. Control unit may also be used to turn on or off coffee maker, etc.

      Therefore, it would have been obvious at the time of the invention to include the

use of a system which reflects the status of the application device. This is a useful

combination because the system is able to control appliances remotely. This is great for

clients that want to control their devices when they are away from their home on

vacation or business.

Regarding claim 7, Ficco and Asghar disclose a computer system according to claim 1. Ficco teaches the system that performs its functions **(column 20 lines 1-11).**

Regarding claims 2, 6, 8, and 13, Ficco and Asghar disclose a method, system and a computer program **(Column 20 lines 8-11)** according to claim 1, Ficco teaches the system characterized in that the step of retrieving identification of the user further comprises the steps of retrieving user profile information based on the user identification by the server **(Column 16 lines 4-6)**; and retrieving context profile information relating to surroundings of the user by the server **(Column 16 lines 6-13)**. The server is enabled to retrieve user profile **(column 15 lines 8-12).**

Regarding claims 3, 9, 14, and 17, Ficco and Asghar disclose a method according to claim 1, Ficco teaches the system characterized in that the documents comprise at least one of Hyper Text Markup Language **(Column 8 lines 5-6)**, Scalable Vector Graphics, Resource Description Framework and Extensible Markup Language **(column 8 lines 14-16)**.

Regarding claims 4, 10-11, 15-16, and 18-19, Ficco and Asghar disclose a method according to claim 1, Ficco teaches the system characterized in that the application devices comprise at least one of Web tablet, set-top box, VCR, TV, PDA, lamp, coffee machine, radio, telephone, background wall, DVD player and electronic information panel **(Figure 1)**.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to FRANKLIN ANDRAMUNO whose telephone number is (571)270-3004. The examiner can normally be reached on Mon-Fri 9:00am - 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Pankaj Kumar can be reached on (571)272-3011. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Pankaj Kumar/
Supervisory Patent Examiner, Art Unit 2424